IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1481 OF 2005

Shri S.R.Pednekar .. Petitioner

versus

Air Corpn.Employees Coop Bank Ltd & ors..Respts

...

Mr N.M.Ganguli for Petr

Mr.A.V.Bukhari for Respt no.1

CORAM : D.G. KARNIK, J

DATED : 19th July 2005.

P.C.

1. Heard learned counsel for the parties.

2. The main grievance of the petitioner in the complaint before the Industrial Court and before this Court is that the respondent nos. 3 and 4 who were juniors to him and did not possess the necessary qualifications were promoted in preference to him and that amounts to unfair labour practice. The petitioner himself had produced before the Industrial Court the seniority list of

the employees and a copy thereof is filed at Exhibit A to the petition. From the said seniority list it is seen that the respondent no. 3 was shown at serial no. 3, respondent on. 4 was shown at serial no. 7 and petitioner was shown at serial no.8 in the seniority list. The seniority list was never challenged by the petitioner. It is thus clear that both the respondent nos. 3 and 4 were senior to the petitioner. Therefore grievance of the petitioner that his juniors were promoted over him is not correct. Learned counsel for the respondent no. 1 also invites my attention to para 1 of the cross examination of the petitioner wherein the petitioner in categorical terms admitted that the respondent nos. 3 and 4 were senior to him and that they joined the service before the petitioner.

3. The next grievance of the petitioner is that the respondent nos. 3 and 4 were not graduates and therefore were not eligible for promotion. The respondent no.3 is a graduate and his qualification is shown to be a graduate in Arts in the seniority list at Exhibit A. As regards the respondent on. 4 though he was not a graduate he possessed more

than 7 years experience. As per the settlement a person who is graduate with 5 years experience or a non-graduate with 7 years experience is eligible to be considered for promotion. Since the respondent no. 4 possess 7 years experience he was eligible for promotion. No fault can be found with the order of the Industrial Court. Petition rejected.

D.G.KARNIK, J